

**U. S. Department of the Interior  
Bureau of Reclamation**

**Mid-Pacific Region  
Lahontan Basin Area Office  
Carson City, Nevada**

**Finding of No Significant Impact  
and  
Environmental Assessment**

**Independence Lake Land Acquisition**

**Sierra County and Nevada County, California**

**May 2009**


**FONSI NO. LO-09-04**

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## FINDING OF NO SIGNIFICANT IMPACT

### Independence Lake Land Acquisition Environmental Assessment

#### I. Background

The Bureau of Reclamation (Reclamation) has been directed by the Congress of the United States through Public Law 110-161, Title II, Sec. 208(a)(2) to provide funds for the acquisition of approximately 2,325 acres of land that surround Independence Lake:

*“the Secretary of the Interior--*

- (2) shall allocate \$9,000,000 to a nonprofit conservation organization, acting in consultation with the Truckee Meadows Water Authority, for--*
  - (A) the acquisition of land surrounding Independence Lake; and*
  - (B) protection of the native fishery and water quality of Independence Lake as determined by the nonprofit conservation organization;”*

The land is currently owned by NV Energy (formerly Sierra Pacific Power Company). Independence Lake is a municipal water storage facility with storage facilities and related water rights to remain in ownership by the Truckee Meadows Water Authority (TMWA). The nonprofit conservation organization acquiring the land is The Nature Conservancy (TNC). TNC entered into a Purchase and Sale agreement for the land acquisition with NV Energy on January 17, 2008.

The relative remoteness of the area, its land use history and adjacency to National Forest System lands, combined with its unique assemblages of biological resources make the acquisition of the surrounding lands a valuable asset for long-term protection and conservation by TNC.

The May 2009 Environmental Assessment (EA) for this Finding of No Significant Impact (FONSI) analyzed the impacts of Reclamation’s action to provide federal funding to The Nature Conservancy (TNC) for acquisition costs of land around Independence Lake, located near Truckee, California. In addition to acquisition costs, funding would also be provided for fishery research and monitoring and administrative management.

#### II. Purpose and Need

The purpose of Reclamation’s funding of the TNC Independence Lake land acquisition is to permanently protect the unique resource values of the area including the lake’s native fishery. The lake fishery includes Lahontan cutthroat trout (LCT) which is federally listed as threatened. Funding of the acquisition by Reclamation is needed to comply with section 208(a)(2) of Public Law 110-161.

### **III. Alternative Descriptions**

#### **Alternative 1. No Action Alternative:**

Reclamation would not provide \$9,000,000 in funding for the acquisition, research, monitoring and administrative management of the 2,325 acres of lands surrounding Independence Lake. The future of the land surrounding Independence Lake would be unknown. TNC would be required to obtain the additional \$9,000,000 from other private and/or public sources in addition to the acquisition funding they are already seeking from other organizations. If alternative funding could not be secured, the Independence Lake land would not be acquired by TNC. The land could be subject to possible sale in whole or in part to another entity and could be used for uses that may not be compatible with conservation of the lake, native fisheries, and surrounding area.

#### **Alternative 2. Proposed Action Alternative – Providing Funding Alternative**

The Proposed Action is for Reclamation to provide funding to TNC for a portion of acquisition costs of 2,325 acres of land around Independence Lake, California. The primary purpose of the acquisition is to protect and conserve Independence Lake and surrounding area, including an important population of native LCT, a federally listed threatened species. In addition to acquisition costs, funding would also be provided for fishery research and monitoring and for administrative management including personnel, supplies and services.

TNC intends to continue existing fisheries research and monitoring and to continue allowing public recreation. Research funding is primarily for researcher salaries and supplies. TNC is studying, and at some future date would develop management plans for the area; no decisions have been made by TNC on any stewardship or land management plans. The Independence Lake public law language states that protection of the area is to be determined by the nonprofit organization. Reclamation has no statutory authority over potential future management of the land by TNC and is not funding on-the-ground management activities.

Under the land acquisition there would be no changes to the rights and interests of TMWA's operational requirements of Independence Lake, water rights or easements pursuant to existing conveyance documents.

### **IV. Summary of Impacts**

The EA analysis shows there will be no significant adverse impacts from implementation of the Proposed Action Alternative. Beneficial environmental impacts are expected for several resources. A summary of the impacts for resources considered in detail in the EA are as follows:

Land Use: TNC intends to address the recreational use of the area without compromising its biological objectives for the lake and surrounding lands. TNC will be developing a

recreation management plan at some future date; this plan may change existing recreation conditions, but impacts to recreation are expected to be minimal because TNC anticipates leaving the area open to public recreation.

There would be no impacts to TMWA's operation under this alternative because acquisition of the land is subject to TMWA's reservoir operational requirements and the terms of existing conveyance documents. The status of TMWA's water rights, easements and reservoir operations are not affected by changes in ownership of surrounding lands.

Vegetation Communities: TNC's management of the area would involve actions to protect and conserve the area and no adverse impacts to vegetation communities are expected. While no management plans are in place, type of management that is being considered to meet the goals of protection of the area would be those that maintain or improve the health of the various vegetation communities.

*Federally Listed and Candidate Species - Plants:* Webber's ivesia is not known to exist in the project area and TNC is expected to conserve and protect the land, so no adverse impacts to the plant or its potential habitat are expected under this alternative.

Fish and Wildlife: TNC's management of the area would involve actions to protect and conserve the lake and surrounding areas and no adverse impacts to fish or wildlife or their habitat are expected. Type of management being considered by TNC to meet the goals of protection of the area include those that improve both fish and wildlife habitat by maintaining or improving the health of the various vegetation communities and protecting the lake's water quality.

*Federally Listed and Candidate Species – Aquatic and Terrestrial:* The proposed acquisition by TNC is expected to result in conservation and protection of the acquired land and the lake. No actions are expected that constitute any risk factors to LCT, Mountain yellow legged frog or fisher or their existing or potential habitat.

The purpose of the existing LCT research and monitoring is to ensure the long-term viability of the fishery. This research that benefits the species would continue and provide a better understanding of the population ecology of LCT.

Cultural Resources: Reclamation has considered the degree of federal involvement and the nature and extent of potential effects on historic properties in assessing the appropriate level of historic property identification efforts, as directed at 36 CFR Part 800.4(b)(1). Reclamation conducted cursory historic property identification efforts within the Area of Potential Effect, contacted the Washoe Indian Tribe, and consulted with the State Historic Preservation Officer as required by 36 CFR Part 800. Reclamation, in consultation with the State Historic Preservation Officer, has found that the use of federal funds to assist with the acquisition and other uses at Independence Lake will not adversely affect historic properties pursuant to 36 CFR Part 800.5(b).

Indian Trust Assets: TNC's management of the area would involve actions to protect and conserve the lake and surrounding areas and no adverse impacts are expected to water quality, native plants, fish and wildlife and any potential cultural sites in the vicinity of the lake. TNC intends to protect and enhance these resource values in the area and no adverse impacts to Indian Trust Assets of the Washoe Tribe would occur.

Environmental Justice: No minority or low-income populations occur in or near the project area. Land uses under the acquisition proposal are expected to be similar to existing conditions, therefore there would be no adverse human health or environmental effects to minority or low-income populations. As identified in the Indian Trust Assets section, no Indian Trust Assets of the Washoe Tribe of California and Nevada would be adversely impacted by the proposed acquisition.

Cumulative Effects: Projects with a connection or potential cumulative effects on affected resources of the Independence Lake area proposed for acquisition would likely be U.S. Forest Service management on adjacent lands within the watershed. Future expected management on the Truckee and Sierraville Districts of the Tahoe National Forest is primarily forest health and fire/fuels reduction. These Districts also manage for public recreation, wildlife habitat improvement, and watershed restoration.

Forest Service mission and management are complimentary with the conservation goals of TNC for the lands surrounding Independence Lake and protection of the environment. No cumulative impacts on the environment are expected from the proposed acquisition and management of the lands by TNC when added to other past, present, and reasonably foreseeable future actions of other land management in the area.

## **V. Consultation and Coordination with Others**

A public scoping letter on the acquisition project was sent to a list of potentially interested parties in January 2009 requesting comments to assist with development of the EA. News releases were sent to local and regional newspapers. Comments were received during scoping from four parties, TMWA, FWS, a one-time visitor of the area, and Robert Haug (caretaker of the property).

A government to government tribal consultation letter on the acquisition project was sent to the Washoe Tribe of Nevada and California dated January 16, 2009. Reclamation's Regional Archaeologist also sent a consultation letter dated November 26, 2008 to the Tribal Chairman and Tribal Historic Preservation Office.

The EA was circulated for a 30-day comment period in March 2009 to the interested parties mailing list and noticed via news releases. Comments were received from four parties, FWS, California Department of Fish and Game, Robert Haug (caretaker), and long-term recreational user of the area, Tom Young. Comments were evaluated and corrections and edits were made to the EA as determined to be appropriate. None of the comments resulted in changes to the environmental consequences of any resource.

## **VI. Decision and Findings**

Reclamation's decision is to implement Alternative 2, identified as the Proposed Action Alternative in the EA. This decision is based on the environmental analysis contained in the attached EA (March 2009) completed in accordance with the National Environmental Policy Act. Beneficial impacts to federally listed species, aquatic and terrestrial wildlife, vegetation communities, and water quality are expected from the project. Reclamation makes a Finding of No Significant Impact as the project is not a major federal action and there is no evidence to indicate that the Proposed Action will significantly affect the quality of the human or natural environment. An Environmental Impact Statement is therefore not required.